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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,701	12/08/2003	Kenneth A. Vlazny	3127-6073US	3286
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TRASKBRITT, P.C.			EXAMINER	
P.O. BOX 2550			PANDYA, SUNT	
SALT LAKE CITY, UT 84110				
			ART UNIT	PAPER NUMBER
			3718	
			NOTIFICATION DATE	DELIVERY MODE
			03/23/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTOMail@traskbritt.com

Office Action Summary

Application No.

10/731,701

Applicant(s)

VLAZNY ET AL.

Examiner

SUNIT PANDYA

Art Unit

3718

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 October 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-7,9-14,16-24,26-29,32,33,36-46,49-54 and 57-63 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-7,9-14,16-24,26-29,32,33,36-46,49-54 and 57-63 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of Papers Received (PTO-502)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 10/11/10, 5/25/10
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

This action is in response to amendments filed on 7/30/2010 wherein the examiner acknowledges that claims 1 & 24 have been amended, no additional claims have been added and no claims have been canceled. Consequently, claims 1, 3-7, 9-14, 16-24, 26-29, 32, 33, 36-46, 49-54 & 57-63 are currently pending.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 10/11/2010 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1, 3-7, 9-14, 16-24, 26-29, 32-33, 36-39 & 60-63 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The newly amended limitation to claim 1 state "using the house card at the

establishment and at least another portion of the funds of the monetary account at a terminal other than a gaming terminal.", is not disclosed in the applicant's original disclosure. The examiner cannot find any disclosure in the specification regarding using the funds "at a terminal other than a gaming terminal". Claim 24 resembles limitation substantially same as claims 1, and is rejected under the same reasoning. Claims 3-7, 9-14, 16-23, 26-29, 32-33, 36-39 & 60-63 depend from claims 1 & 24, and are also rejected under the same reasoning.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 5-7, 9-14, 16, 17, 20, 24, 26-29, 32, 33, 36, 37, 40-46, 49, 51-54 & 59-63 are rejected under 35 U.S.C. 103(a) as being unpatentable over NYRA One Account ("NYRA") in view of Rowe (US Patent Publication 20030171145).

Claims 1, 24, 27, 33, 40, 59 & 60: NYRA discloses a gaming terminal (Sam machine or Tiny Tim) at an establishment (Race track, at home, or at work), the gaming terminal configured for a player to place a pari-mutuel wager on an event (pp. 6-13), presenting a house card (NYRA card) associated with a monetary account (NYRA account) to a card reader (Sam machine or Tiny Tim) in communication with the gaming terminal (pp. 1-13). NYRA also discloses placing a pari-mutuel wager at the gaming

terminal on an event using the at least a portion of the funds of the monetary account (pp. 1-13). NYRA, however, fails to disclose depositing funds into the monetary account at the gaming terminal using at least one vehicle selected from the group consisting of cash, check, debit charge, credit card charge, and direct deposit. And NYRA also fails to disclose cashless purchase other than pari-mutuel wager using house card at the establishment, using terminal other than the gaming terminal.

In an analogous art, Rowe teaches depositing funds into the monetary account at the gaming terminal using credit cards, debit cards, or direct deposit through a remote fund repository (0017, 0128 & 0168, wherein Rowe teaches depositing credits, using the player terminal on to a cashless instruments such as a smart card). Rowe also teaches cashless purchase other than pari-mutuel wager using house card (smart card) at the establishment, using portion of the fund of the monetary account at a terminal other than the gaming terminal (Rowe, in 0136, teaches that the cashless purchase are not limited to gaming machines, but are valid at Keno game, bingo game, wager on sporting events, food purchase, service purchase, merchandise purchase, rental purchase, etcetera). It would have been obvious for one with ordinary skill in the art, at the time of the invention, to have modified the system disclosed by NYRA to include a fund depositing vehicle at the gaming terminals, and to allow players to make other purchases using house card (smart card), as taught by Rowe, thus not only allowing players easy and timely transactions at a single terminal, but also allowing the establishment to only use single type of currency for transactions at the gambling

location, thereby streamlining accounting and check out procedures to facilitate quick customer service turnarounds for each transaction.

Claims 3 & 26: The combination of NYRA and Rowe teaches cashless purchase using the house card is effected after placing the pari-mutuel wager (Rowe, 0153, wherein a threshold amount is spent on merchandise, service or rental purchases, and does not effect the wagering).

Claim 5: The combination of NYRA and Rowe teaches the house card to access an informational display (display on Sam machine or Tiny Tim) at the establishment (NYRA pp. 1-13).

Claims 6, 49 & 61-63: The combination of NYRA and Rowe teach of depositing funds into a monetary account at the gaming terminal comprises adding additional funds to the monetary account (0017, 0128 & 0168, wherein Rowe teaches depositing credits, using the player terminal on to a cashless instruments such as a smart card).

Claims 7, 32 & 51: The combination of NYRA and Rowe teaches placing a pari-mutuel wager at the gaming terminal on an event using at least a portion of the funds of the monetary account comprises sending a request for allocation of the at least a portion of funds to a remote computer in communication with the card reader (NYRA pp. 6-13).

Claims 9, 28 & 52: The combination of NYRA and Rowe teach updating the account with the winnings from the result of the pari-mutuel wager (NYRA pp. 6-11).

Claims 10 & 54: The combination of NYRA and Rowe teach the house card being a magnetic strip (NYRA pp. 6, wherein the card is inserted into the machine, and the machine recognizes the card based on the magnetic information).

Claims 11 & 50: The combination of NYRA and Rowe teach the house card having a pre-denominated amount of funds (Rowe in 0046, discloses a prepaid smart card, which contains pre-denominated amount of fund before there is a need to add additional funds on it).

Claims 12 & 29: The combination of NYRA and Rowe teach removing the card prior to placing the pari-mutuel wager (NYRA pp. 8, wherein the Tiny Tim, machine only requires the player to enter account information, and so a card is never placed, consequently, the card is removed before a bet is placed).

Claims 13, 14 & 53: The combination of NYRA and Rowe teaches verifying the identity of the player prior to the player accessing the at least a portion of funds (NYRA pp. 6-13, a player inputs at least a PIN to verify their identity).

Claims 16 & 36: The combination of NYRA and Rowe teaches the selected event to be a sporting event (NYRA pp. 6-13, wherein the sporting event is horse race).

Claims 17 & 37: The combination of NYRA and Rowe teaches forwarding information regarding the outcome of the pari-mutuel wager over a communication link (NYRA pp. 3-13, the result of the outcome of the pari-mutuel wager is forwarded over a communication link whether directly to a Sam machine, a Tiny Tim, or over a phone).

Claim 20: The combination of NYRA and Rowe teaches selecting the house card to be associated with a first monetary account and using the at least a portion of

the funds from the first monetary account to place the pari-mutuel wager (NYRA pp. 1-13, wherein the first account is to place pari-mutual wager on a sporting event).

However, NYRA fails to disclose a second monetary account associated with a debit card accounts or a credit card account. In an analogous art, Rowe teaches depositing funds into the monetary account at the gaming terminal using credit cards, debit cards, or direct deposit through a remote fund repository (which is constituted as the second account, which is taught in 0017, 0128 & 0168, wherein Rowe teaches depositing credits, using the player terminal on to a cashless instruments such as a smart card). Rowe also teaches cashless purchase other than pari-mutuel wager using house card (smart card) at the establishment, using portion of the fund of the monetary account at a terminal other than the gaming terminal (Rowe, in 0136, discloses that the cashless purchase are not limited to gaming machines, but are valid at Keno game, bingo game, wager on sporting events, food purchase, service purchase, merchandise purchase, rental purchase etcetera). It would have been obvious for one with ordinary skill in the art, at the time of the invention, to have modified NYRA to include a fund depositing vehicle at the gaming terminals, and to allow players to make other purchases using house card (smart card), as taught by Rowe thus allowing players easy and timely transactions at a single terminal, but also allowing the establishment to only use single type of currency or transaction at the gambling location, thereby streamlining accounting and check out procedures to facilitate quick customer service turnarounds for each transaction.

Claims 41-46: The combination of NYRA and Rowe teaches inputting the unique identifier comprises inputting an account number (Account number or PIN) using a touch tone telephone (NYRA pp. 1-13), unique secondary identifier (Tele-bet Access Code (TAC)) number.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over NYRA and Rowe as applied to claims above, and further in view of Black (U.S. 6,307,956).

Claim 4: The combination of NYRA and Rowe substantially teaches all of the claimed limitations. However, the combination of NYRA and Rowe fails to teach using the house card to access a secure area at the establishment. Black teaches, for example, the use of the identity verification system in a hotel casino complex. The system comprises biometric registration upon entry into the hotel-casino, biometric access to a guest room, biometric purchases on-site within the complex such as restaurants, lounges, boutique shops, and the like and biometric play of slot machines, biometric play at gaming tables. Although Black teaches a verification system that is employed as an improvement over cards, Black teaches that cards have been used in the past for such systems. Thus, it would have been obvious at the time of applicant's invention to utilize a card to access a secure area of the establishment, such as a hotel room, wherein the card could also be used to make purchases. One would be motivated to do so, so that players would not have to carry multiple cards in their wallet that can be easily lost or stolen.

Claim 18-19 & 38-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over NYRA and Rowe as applied to claims above, and further in view of Balahura et al. (U.S. Patent Publication 20050026697, with provisional filed on 7/30/03).

Claims 18, 19, 38 & 39: The combination of NYRA and Rowe substantially teaches all of the claimed limitations. However, the combination of NYRA and Rowe fails to teach forwarding information to the players using Text messaging and Emails. In analogous art, Balahura et al. teaches a communication system that enables multi-player gaming on a wireless device and messaging information related to the gaming (0016 & 0017). Balahura et al. teaches a server based messaging utility that is operable to send, receive and manage a plurality of data communication includes wireless email, internet based communications, text messages and other similar message distribution vehicles (0052). It would have been obvious for one with ordinary skill in the art, at the time of the invention to incorporate features taught by Balahura et al. in to the system taught by the combination of NYRA and Rowe. One would be motivated to do so because the combination would allow for safe and secure line of communications between the players and the wagering facility.

Claims 21-23 & 57-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over NYRA and Rowe as applied to claims above, and further in view of Walker (U.S. 6,379,248).

Claims 21-23 & 57-58: The combination of NYRA and Rowe substantially teaches all of the claimed limitations. However, NYRA and Rowe, fails to teach

crediting the first monetary account when a purchase is placed using funds from the second monetary account, and funds from the first monetary account to be only available for use at the establishment. Walker teaches a gaming device includes a plurality of balances. The gaming device receives monetary input, such as currency or a transfer from an account, and in turn increases one or more balances. The balance increased depends on criteria such as the amount of monetary input or the source of monetary input (e.g. from a casino account). Players may draw wager amounts from different balances, and add award amounts to the balances, and transfer between the accounts. Incentives are provided for using the different balances. For example, different balances may have different payout schedules, different probability schedules, or both. Thus, it would have been obvious for one with ordinary skill in the art, at the time of the invention to incorporate Walker's features in to the system taught by the combination of NYRA and Rowe. One would be motivated to do so because using multiple accounts encourages players to wager by offering incentives to do so. Consequently, increasing casino or race tracks operator's profits.

Response to Arguments

Applicant's arguments with respect to claims 1, 3-7, 9-14, 16-24, 26-29, 32, 33, 36-46, 49-54 & 57-63 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SUNIT PANDYA whose telephone number is (571)272-2823. The examiner can normally be reached on M-Th 8 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 571-272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sunit Pandya/
Examiner 3718

SP